

1 SHARON L. LAPIN, ESQ. SBN: 165919
2 LAW OFFICES OF SHARON L. LAPIN
3 336 Bon Air Center, Suite 492,
Greenbrae, California 94904
Telephone: (415) 258-1651
Facsimile: (916) 258-0326
email: lapinlaws@juno.com

5 Attorney for Plaintiff,
ANTONIO ACEVEDO

7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

10 ANTONIO ACEVEDO,

CASE NO.: 3:09-CV-04761-BZ

11 Plaintiff,

**PLAINTIFF'S RESPONSE TO ORDER TO
SHOW CAUSE**

12 v.

13 JPMORGAN CHASE f/k/a WASHINGTON
MUTUAL BANK; LONG BEACH
MORTGAGE COMPANY; CALIFORNIA
RECONVEYANCE COMPANY;
DEUTSCHE BANK NATIONAL TRUST;
CALIFORNIA REALTY & INVESTMENT;
CESAR A. BUITRAGO; and PAUL
GUERRERO,

DATE: April 12, 2010
TIME: 4:00 p.m.
CTRM: G, 15th Floor

17 Defendants.

Honorable Bernard Zimmerman

19
20 I, SHARON L. LAPIN, for my Response to this Honorable Court's Order To Show Cause,
21 dated March 23, 2010, (Docket No. 9) hereby declare as follows:

22 I am an attorney at law, duly licensed to practice law in the State of California, and duly
23 admitted to the federal bar and to practice before the United States District Court for the Northern
24 District of California. I am the attorney of record for Plaintiff, ANTONIO ACEVEDO, in this
25 matter.

26 **PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE**

27 After receiving the Court's March 23, 2010, Order to Show Cause Why Case Should Not Be
28 Dismissed For Failure To Prosecute (Docket No.9) and checking the subject Docket reports on the

PACER system, Plaintiff has determined that **there appear to have been two separate Case Numbers assigned to this matter.** Specifically, these Case Numbers appear to have been **3:09-cv-04765-JSW**, and (the Case Number here): **3:09-cv-04761-BZ**.

Case Number **04765-JSW was Dismissed, Without Prejudice**, by Order of the Honorable Jeffrey S. White on February 17, 2010. (3:09-cv-04765-JSW; Docket No. 34)

Until Plaintiff received this Court's Order To Show Cause (Docket No. 9) Plaintiff was unaware that a second Case, with a different Case Number, remained pending in this Court.

Accordingly, Plaintiff respectfully requests that this Honorable Court issue its Order, dismissing all claims herein, as against all parties hereto, *without prejudice*, consistent with the above-referenced Order of Dismissal, Without Prejudice, issued by the Honorable Jeffrey S. White on February 17, 2010, regarding the inadvertent "companion" case. With regard to the remaining case, no Defendant has yet been served herein, and no unfair prejudice or harm will result to any Defendant as a result of granting the requested dismissal, *without prejudice*.

I declare under penalty and perjury under the laws of the State of California that the foregoing is true and correct and if called as a witness I could testify competently hereto.

Respectfully submitted,

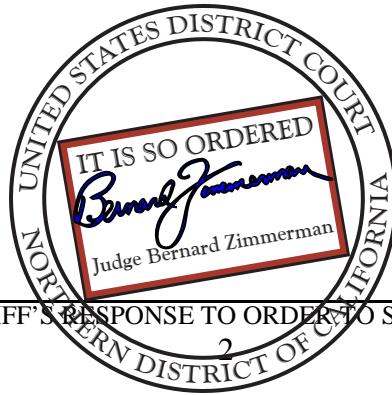
Dated: March 25, 2010

LAW OFFICES OF SHARON L. LAPIN

/s/ Sharon L. Lapin
SHARON L. LAPIN
Attorney for Plaintiff,
ANTONIO ACEVEDO

Request GRANTED - the Order To Show Cause presently scheduled for Monday, April 12, 2010 is DISCHARGED. Case is DISMISSED without prejudice.

Dated: April 7, 2010



1 **CERTIFICATE OF SERVICE**
2
3
4

STATE OF CALIFORNIA)
)ss.
COUNTY OF SACRAMENTO)

5 I am a citizen of the United States and a resident of the County of Sacramento. I am over
6 the age of 18 years and not a party to the within above-entitled action; my business address is 2882
7 Prospect Park Drive, Ste. 350, Rancho Cordova, CA 95670.

8 On this date I served the foregoing document described as follows:

9 **PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE**

10 on the following interested parties in this action:

11 SEE ATTACHED SERVICE LIST

12 The following is the procedure in which service of this document was effected:

- 13 Facsimile, Time: _____ P.M.; Date:
14 Federal Express, Priority Overnight
15 United Parcel Service, Next Day Air
16 United States Mail,

17 By Electronic Mail - I hereby certify that I electronically transmitted the attached
18 document(s) to the Clerk's Office using the CM/ECF System for filing and transmittal of Notice of
19 Electronic Filing to the above listed CM/ECF registrants.

20 I declare under penalty of perjury that the foregoing is true and correct under the laws of the
21 State of California and that this declaration was executed on March 25, 2010 at Sacramento,
22 California.

23 /s/Andrea E. Stafford
24 ANDREA E. STAFFORD

1 **SERVICE LIST**
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REPRESENTATIVES:

PARTIES: